

APPENDIX F

Department of Fish and Game Code, Fish and Game Commission Policies, and Public Resources Code References

The following excerpts from the Fish and Game Code, Fish and Game Commission, and Public Resources Code are presented as guidance in preparing cooperative rearing project proposals.

Article 6. Cooperative Salmon and Steelhead Rearing Facilities

§1200. Rearing facilities; agreements.

The Department is authorized to enter into agreements with counties, nonprofit groups, private persons, individually or in combination, for the management and operation of rearing facilities for salmon and steelhead. All such agreements shall be in accordance with the policies of the commission and the criteria of the Department which govern the operation under such agreements.

The purpose for operating such facilities shall be to provide additional fishing resources and to augment natural runs.

§1201. Financial ability; demonstration.

An applicant who wishes to enter into an agreement to operate a rearing facility shall demonstrate, to the satisfaction of the Department prior to executing such agreement, such applicant's financial ability to properly operate the rearing facility. The Department shall develop and specify the means for an applicant to make such a demonstration.

§1202. Fish; when property of State.

All fish handled or released under authority of this article are the property of the State and may be taken only after their release into the wild and under the authority of a sport or commercial fishing license.

§1203. Fish release in accordance with policy.

The release of fish reared in facilities pursuant to this article shall be made in accordance with the policy of the commission.

§1204. Funding.

The Department shall fund the agreements provided for in Section 1200 only on a matching basis with the person or entities that enter into such agreements. Funds appropriated for the purposes of this article shall not be used to purchase equipment or for construction.

The Department shall be reimbursed from funds appropriated for the purposes of this article for administrative costs, legal costs, and supervisorial costs relating to the execution and supervision of such agreements by the Department.

§1205. Department responsibilities as to fish size, etc. according to agreement.

The Department shall, subject to the limitations of appropriate egg sources and funding, make available fish of appropriate size and species to persons or entities that enter into agreements pursuant to this article.

§1206. Salmon, etc. release at Point Conception.

Salmon and steelhead raised pursuant to this article shall be released in streams, rivers, or waters; north of Point Conception and upon release shall have unimpeded access to the sea.

Fish and Game Commission Policies
Cooperatively Operated Rearing Programs for Salmon and Steelhead

It is the policy of the Fish and Game Commission that:

1. The State's salmon and steelhead resources may be used to support cooperative rearing programs. Rearing programs may be of two types: 1) those that grow fish for use in accelerating the restoration/rehabilitation of depleted wild populations in under seeded habitat and 2) those that are dedicated solely to growing fish for harvest. The following constraints apply to both types:
 - A. Only those fish surplus to the needs of DFG programs shall be utilized for such programs and allocation shall be based on past performance and DFG's evaluation of the potential of proposed new programs.
 - B. The suitability and acceptance or rejection of proposed programs shall be determined by DFG, after reviewing a written proposal. A written project and management plan providing for evaluation and covering a period of five years must be evaluated and approved by DFG. Prior to reauthorization, DFG must determine that the project is in compliance with the approved plan and continuance of the program is in the best interest of the State's fishery resources.
 - C. Routine care and food costs shall be the financial responsibility of the sponsoring entity. DFG shall provide technical advice and special assistance as appropriate.
 - D. Fish raised in these programs shall not be stocked in, or brood stock captured from, waters where DFG has determined that adverse effect to native fish populations or other aquatic species may result.
2. The bulk of the State's salmon and steelhead resources shall be produced naturally. The State's goals of maintaining and increasing natural production take precedence over the goals of cooperatively operated rearing programs.

Public Resources Code

6217.1. (a) This section and the process described in this section governs the expenditure of any funds received by the State of California from the federal government for the purposes of salmon and steelhead trout conservation and restoration, the expenditure of funds authorized for the Coastal Watershed Salmon Habitat Program pursuant to Article 7 (commencing with Section 79104.200) of Chapter 6 of Division 26 of the Water Code, and the expenditure of funds appropriated to the Department of Fish and Game for salmon and steelhead trout conservation and restoration from the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund pursuant to Article 5 (commencing with Section 5096.650) of Chapter 1.696 of Division 5 of the Public Resources Code.

(b) For purposes of this section, "project" means an activity that improves fish habitat in coastal waters utilized by salmon and anadromous trout species.

(c) (1) The Department of Fish and Game shall grant funds from the Salmon and Steelhead Trout Restoration Account in the Resources Trust Fund, as follows:

(A) At least 87.5 percent of the funds shall be allocated as project grants through the existing grant program operated by the fisheries management program of the Department of Fish and Game.

(B) Not more than 12.5 percent of the funds may also be used for project contract administration activities and biological support staff.

(2) (A) A project shall require the consent of a willing landowner, and emphasize the development of coordinated watershed improvement activities.

(B) Projects that restore habitat for salmon and anadromous trout species that are eligible for protection as listed or candidate species under state or federal endangered species acts shall be given top funding priority.

(C) Projects shall be cost-effective and treat causes and not symptoms of fish habitat degradation. Projects may implement instream, riparian, water quality, water quantity, and watershed prescriptions and shall be designed to restore the structure and function of fish habitat.

(3) Any grant funds allocated to a project that exceed the actual cost of completing the project shall be returned to the Salmon and Steelhead Trout Restoration Account.

(d) (1) A citizen's advisory committee shall be appointed by the Director of Fish and Game to give advice on the grant program.

(2) The advisory committee shall consist of seven representatives recommended by the California Advisory Committee on Salmon and Steelhead Trout, one representative from the agriculture industry, one representative from the timber industry, one representative of public water agency interests, one academic or research scientist with expertise in anadromous fisheries restoration, and three county supervisors from coastal counties in which anadromous trout exist. The county supervisor members shall be recommended by the California State Association of Counties.

(3) The advisory committee shall provide oversight of, and recommend priorities for, grant funding under this section. In making funding decisions, the Department of Fish and Game shall consider the project selection priorities established by the advisory committee.

(4) Members of any advisory committee established for these purposes shall be reimbursed for travel and incidental expenses related to the performance of their duties under this section. Reimbursement for the advisory committee created pursuant to this section shall be made from the funds designated in subparagraph (B) of paragraph (1) of subdivision (c). Reimbursement for other Department of Fish and Game salmon and steelhead trout advisory committees shall be funded by appropriate sources.

(5) If a member of the advisory committee, or a member of his or her immediate family, is employed by a grant applicant, the employer of a grant applicant, or a consultant or independent contractor employed by a grant applicant, the advisory committee member shall make that disclosure to the other members of the committee, and shall not participate in reviewing or making recommendations on the grant application of that applicant.

(e) Except as provided in subdivision (f), the money in the Salmon and Steelhead Trout Restoration Account shall be allocated as follows:

(1) Not less than 65 percent of the money shall be used for salmon habitat protection and restoration projects. Of that amount, at least 75 percent shall be used for watershed (upslope) and riparian area protection and restoration activities. These activities may include, but are not limited to, grants to acquire and install fish screens to protect juvenile and adult salmon and steelhead trout from entrapment in water diversions, and grants to remove substandard culverts, stream crossings, and bridges that constitute barriers to spawning of salmon and steelhead trout and passage of fish. These funds may also be used for the acquisition, from willing sellers, of conservation easements for riparian buffer strips along coastal rivers and streams to protect salmon and steelhead trout habitat or for projects that protect and improve water quality and quantity.

(2) Up to 35 percent of the money shall be allocated for any of the uses listed in this paragraph.

(A) Watershed evaluation, assessment, and planning necessary to develop a site-specific and clearly prioritized plan to implement watershed improvements.

(B) Multiyear grants for watershed planning and project monitoring and evaluations.

(C) Watershed organization support and assistance.

(D) Project maintenance and monitoring after the project implementations are complete.

(E) Public school watershed and fishery conservation education projects.

(F) Private sector technical training and education project grants, including teaching private landowners about practical means of improving land and water management practices that, if implemented, will contribute to the protection and restoration of salmon stream habitat; scholarship funding for workshops and conferences that teach restoration techniques; operation of nonprofit restoration technical schools; and production of restoration training and education workshops and conferences.

(G) Fish and wildlife habitat improvements, as defined by Section 4793, and authorized under the California Forestry Incentive Program (CFIP).

(H) The salmon restoration project of the California Conservation Corps.

(I) The state's share of the federal Watershed Stewards Program.

(J) Monitoring projects that utilize protocols approved by the Department of Fish and Game and the National Marine Fisheries Service (NMFS) to provide baseline or trend data, or both, for anadromous fish populations or the physical and biological factors known to be limiting recovery.

(K) Artificial propagation programs designed to restore depleted stocks of salmonids that comply with the directives of the joint Department of Fish and Game and NMFS Hatchery Operations Review Committee.

(f) The advisory committee, in any fiscal year, may make a recommendation to the Department of Fish and Game to allocate money from the Salmon and Steelhead Trout Restoration Account for the purposes stated in subdivision (e), but in different percentage requirements than the 65/35 split stated in paragraphs (1) and (2) of that subdivision. Following that recommendation, the Director of Fish and Game may suspend the percentage requirements stated in paragraphs (1) and (2) of subdivision (e) for that fiscal year only.